

REMARKS

Claims 64, 65 and 68 were pending and under examination in the subject application. By this amendment, Claim 68 has been canceled without prejudice or disclaimer, and Claims 64 and 65 have been amended. Applicant maintains that the claim amendments do not raise an issue of new matter. Support for the amendments to the claims can be found at least in the previous version of the claims. The amendments place the claims in condition for allowance or in better form for appeal. Entry of the amendments is respectfully requested.

Summary of April 12, 2010 Interview

Applicant thanks the Examiner for the courtesy of a telephone interview on April 12, 2010 between the Examiner and the undersigned attorney. Applicant concurs with the Examiner's Interview Summary dated April 28, 2010.

Provisional Obviousness-type Double Patenting Rejection

Claim 68 is provisionally rejected over Claims 82-84 and 100-101 of later-filed co-pending U.S. Patent Application 10/580,962. Claim 68 has herein above been canceled thereby rendering this rejection moot.

Rejections under 35 U.S.C. §112, First Paragraph

Claim 64 is rejected as not enabled for encompassing "active metabolites" of the specified compound. Claim 64 has herein above been amended to no longer recite "active metabolites" thereby rendering this rejection moot.

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Rejections under 35 U.S.C. §103(a)

Claims 64 and 68 are rejected as being unpatentable over Cremers (US 2003/0032636) in view of Prinssen et al. (Eur. J. Pharmacol, 388:57-67, 2000).

Claims 65 is rejected as being unpatentable over Cremers (US 2003/0032636) in view of Prinssen et al. (Eur. J. Pharmacol, 388:57-67, 2000) and further in view of Bymaster (WO 98/11897).

The claims have herein above been amended to be limited to the combination of pipamperone and citalopram, which the Patent Office has indicated shows superior and unexpected results (page 13, bottom paragraph of current Office Action). Accordingly, reconsideration and withdrawal of these rejections are respectfully considered.

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CONCLUSIONS

In view of the amendments and remarks made hereinabove, reconsideration and withdrawal of the rejection in the March 18, 2010 Office Action and passage of pending claims to allowance are respectfully requested. If there is any minor matter preventing the allowance of the subject application, the Examiner is requested to telephone the undersigned attorney.

No fee is deemed necessary in connection with the filing of this response. However, if any fee is required to preserve the pendency of the subject application, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 01-1785. Overpayments may also be credited to Deposit Account No. 01-1785.

Respectfully submitted,

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By /Alan D. Miller/
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